

Serial No.: 09/900,267

Attorney Docket No.: 2001P12193US

REMARKS

Upon entry of the instant amendment, Claims 1-16 are pending. In addition, the Specification was amended to provide a clarification. No new matter has been added.

Claims 6, 11, and 16 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the subject matter "clearing said call history after a predetermined period has elapsed" was indicated to not be "described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, had possession of the claimed invention." The Specification has been amended to recite "[I]t is noted that, in addition, in certain embodiments, the call history may be cleared after a predetermined period." Since this material appears in the claims as filed, and the claims are part of the Specification, no new matter has been added. Further, Applicant respectfully submits that such language, in context, would be reasonably convey to a person of ordinary skill in the art that the invention including clearing the call history, was in possession of the inventor. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1, 2, 4-7, 9, 10, 12-14, and 15 were rejected under 35 U.S.C. 102(e) as being anticipated by Galt et al., U.S. Patent No. 6,898,274 ("Galt"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Galt.

As discussed in the Specification, one aspect of the present invention relates to a gatekeeper including a compare unit and a record unit. The compare unit receives call requests and accesses a database which is a record of where a called party picked up the call, e.g., at home, at the office, via a mobile phone, or via an emergency number. If such functionality is activated by the user, the compare unit performs an analysis such as a "closest neighbor" analysis or other pattern matching on the distribution of previous calls to determine the location of the user at the time of day closest to that of the present call. The call is then routed to the user at that location.

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The record unit then makes the appropriate notation in the database for the latest call.

Thus, claim 1 recites "a switching unit coupled to said local area network, said switching unit adapted to associate a plurality of numbers with a user, record a time and associated number at which said user has been reached, and perform a closest neighbor time comparison of multiple records of previous calls to determine where to connect a current call;"

Claim 9 recites "maintaining a call history of calls to one or more numbers of a particular user; receiving a new call; performing a closest neighbor time comparison of multiple calls in said call history to determine at which of said numbers to switch said new call;"

and claim 12 recites "providing a record unit adapted to store in a memory a call history associated with particular users; and providing a compare unit adapted to perform a closest neighbor time comparison of multiple calls in said call history to determine at which of said one or more numbers to connect the call."

In contrast, Applicant respectfully submits that Galt has nothing to do with a "closest neighbor time comparison." In the present invention, the closest neighbor time comparison allows for use of the call history to determine and/or learn a predicted location of the user. For example, at page 5, with reference to FIG. 3,

Suppose the gatekeeper next gets a call request 306 at 1400 (2:00 PM) the next day. The compare unit 204 then accesses the database and determines the "distance" d1 and distance d2. Since d1 is closer, the gatekeeper 109 will attempt to call the user at the mobile number because that record is closest to 1400. When the call is connected, a record at 1400 is stored in the rules database. If the user cannot be reached at the mobile number, the gatekeeper 109 will attempt to contact the user at the next nearest neighbor, and so on.

In contrast, Galt does not relate to a closest neighbor at all. In Galt, a user can define a particular destination as a preferred time period for a particular time period/function. A counter will count the number of successful connections to the destination; If the counter is greater than a threshold value, the alternate destination is then set. (See, e.g., Col. 1, lines 36-44).

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In Galt, the determination is made based on the time period/function, not a closest neighbor. More particularly, suppose two calls had been received during a time period A. In Galt, if the next call received during that *time period* gets routed to the same number, that number will be set as the alternate. The specific times of those calls are irrelevant. In the present invention, however, a comparison of whether the current call is a closest neighbor to either of the previous individual calls is made. Thus, in Galt, no comparison between *individual neighbor call records* is made. Because of this, there can be no closest neighbor comparison. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Galt and Sladek, Sladek, et al., U.S. Patent No. 6,622,016 ("Sladek"). Applicant respectfully submits that the present invention is not taught, suggested, or implied by Burger or Sladek, either singly or in combination. Claim 3 depends from claim 1.

Sladek is relied on for allegedly teaching a communications gatekeeper and provisioning of special services. Sladek, however, does not teach the elements of the independent claim. Galt has been discussed above with reference to claim 1. For reasons similar to those discussed, Applicant submits that the combination of Galt and Sladek does not teach, suggest, or imply the invention of claim 1 or the dependent claim 3. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 8, 11, and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Galt and Burger et al, U.S. Patent No. 6,678,366 ("Burger"). Applicant respectfully submits that the present invention is not taught, suggested, or implied by Galt or Burger, either singly or in combination.

Galt has been discussed above. The failure of Burger to meet the limitations of the independent claims (e.g., "closest neighbor" comparison) from which these claims depend has been discussed in Response to the previous Official Action. As such, these references cannot teach the limitations of the dependent claims. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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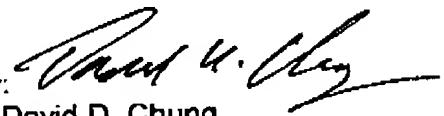
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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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Date: 15 March 06

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